

DAC\$

Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)  
Approved for use through 10/31/2002. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

+

|  |                |                        |              |
|--|----------------|------------------------|--------------|
| <b>TRANSMITTAL FORM</b><br><i>(to be used for all correspondence after initial filing)</i> | Application    | 08/286,189             |              |
|  | Filing Date    | August 5, 1994         |              |
|  | First Named    | Sonia E. Sanhueza      |              |
|  | Group Art Unit | 1641                   |              |
|  | Examiner Name  | J. Parkin              |              |
| Total Number of Pages in This Submission   | 6              | Attorney Docket Number | 1038-384 MIS |

| ENCLOSURES (check all that apply)  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form                     | <input type="checkbox"/> Assignment Papers (for an Application)                 | <input type="checkbox"/> After Allowance Communication to Group                            |
| <input checked="" type="checkbox"/> Fee Attached                             | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences        |
| <input type="checkbox"/> Amendment / Response                                | <input type="checkbox"/> Licensing-related Papers                               | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final   | <input checked="" type="checkbox"/> Petition                                    | <input type="checkbox"/> Proprietary Information   |
| <input type="checkbox"/> Affidavits/declaration(s)                           | <input type="checkbox"/> Petition to Convert a Provisional Application          | <input type="checkbox"/> Status Letter   |
| <input type="checkbox"/> Extension of Time Request                           | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence | <input type="checkbox"/> Other Enclosure(s) (please identify below):                       |
| <input type="checkbox"/> Express Abandonment Request                         | <input checked="" type="checkbox"/> Terminal Disclaimer                         |  |
| <input type="checkbox"/> Information Disclosure Statement                    | <input type="checkbox"/> Request for Refund                                     |  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)              | <input type="checkbox"/> CD, Number of CD(s) _____                              |  |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application   | Remarks   |  |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 |   |  |

RECEIVED

AUG 14 2001

OFFICE OF PETITIONS

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|                         |                             |
|-------------------------|-----------------------------|
| Firm or Individual name | Michael I. Stewart (24,973) |
| Signature               |                             |
| Date                    | August 6, 2001              |

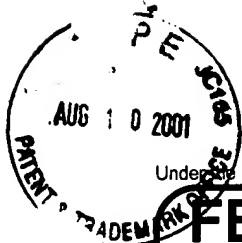
**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this date:

|                       |  |      |  |
|-----------------------|--|------|--|
| Typed or printed name |  |      |  |
| Signature             |  | Date |  |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

+



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Approved for use through 10/31/2002. OMB 0651-0032  
Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

Complete if Known

RECEIVED

|                      |                   |
|----------------------|-------------------|
| Application Number   | 08/286,189        |
| Filing Date          | August 5, 1994    |
| First Named Inventor | Sonia E. Sanhueza |
| Examiner Name        | J. Parkin         |
| Group Art Unit       | 1641              |
| Attorney Docket No.  | 1038-384 MIS      |

AUG 14 2001

OFFICE OF PETITIONS

TOTAL AMOUNT OF PAYMENT

\$1,350.00

## METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit  
Account  
Number

Deposit  
Account  
Name

☐ Charge Any Additional Fee Required  
Under 37 CFR §§ 1.16 and 1.17

☐ Applicant claims small entity status.  
See 37 CFR § 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money  
Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Small Entity

| Fee<br>Code | Fee<br>(\$) | Fee<br>Code | Fee<br>(\$) | Fee Description |
|-------------|-------------|-------------|-------------|-----------------|
|-------------|-------------|-------------|-------------|-----------------|

Fee Paid

|     |     |     |     |                        |  |
|-----|-----|-----|-----|------------------------|--|
| 101 | 710 | 201 | 355 | Utility filing fee     |  |
| 106 | 320 | 206 | 160 | Design filing fee      |  |
| 107 | 490 | 207 | 245 | Plant filing fee       |  |
| 108 | 710 | 208 | 355 | Reissue filing fee     |  |
| 114 | 150 | 214 | 75  | Provisional filing fee |  |

SUBTOTAL (1)

### 2. EXTRA CLAIM FEES

|                       | Extra Claims | Fee from<br>below | Fee Paid |
|-----------------------|--------------|-------------------|----------|
| Total Claims          | -20** = 0    | X                 | 0.00     |
| Independent<br>Claims | -3** = 0     | X                 | 0.00     |
| Multiple Dependent    |              |                   |          |

Large Entity Small Entity

| Fee<br>Code | Fee<br>(\$) | Fee<br>Code | Fee<br>(\$) | Fee Description |
|-------------|-------------|-------------|-------------|-----------------|
|-------------|-------------|-------------|-------------|-----------------|

|     |     |     |     |   |
|-----|-----|-----|-----|---|
| 103 | 18  | 203 | 9   | Claims in excess of 20  |
| 102 | 80  | 202 | 40  | Independent claims in excess of 3                             |
| 104 | 270 | 204 | 135 | Multiple dependent claim, if not paid                         |
| 109 | 80  | 209 | 40  | ** Reissue independent claims<br>over original patent         |
| 110 | 18  | 210 | 9   | ** Reissue claims in excess of 20<br>and over original patent |

SUBTOTAL (2)

\$0.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

| Fee<br>Code                                    | Fee<br>(\$) | Fee<br>Code | Fee<br>(\$) | Fee Description   | Fee Paid |
|--|-------------|-------------|-------------|---|----------|
| 105  | 130         | 205         | 65          | Surcharge - late filing fee or oath   |          |
| 127  | 50          | 227         | 25          | Surcharge - late provisional filing fee or cover<br>sheet                     |          |
| 139  | 130         | 139         | 130         | Non - English specification   |          |
| 147  | 2,520       | 147         | 2,520       | For filing a request for <i>ex parte</i> reexamination                        |          |
| 112  | 920*        | 112         | 920*        | Requesting publication of SIR prior to Examiner<br>action                     |          |
| 113  | 1,840*      | 113         | 1,840*      | Requesting publication of SIR after Examiner<br>action                        |          |
| 115  | 110         | 215         | 55          | Extension for reply within first month  |          |
| 116  | 390         | 216         | 195         | Extension for reply within second month                                       |          |
| 117  | 890         | 217         | 445         | Extension for reply within third month  |          |
| 118  | 1,390       | 218         | 695         | Extension for reply within fourth month                                       |          |
| 128  | 1,890       | 228         | 945         | Extension for reply within fifth month  |          |
| 119  | 310         | 219         | 155         | Notice of Appeal  |          |
| 120  | 310         | 220         | 155         | Filing a brief in support of an appeal  |          |
| 121  | 270         | 221         | 135         | Request for oral hearing  |          |
| 138  | 1,510       | 138         | 1,510       | Petition to institute a public use proceeding                                 |          |
| 140  | 110         | 240         | 55          | Petition to revive - unavoidable  |          |
| 141  | 1,240       | 241         | 620         | Petition to revive - unintentional  | 1,240.00 |
| 142  | 1,240       | 242         | 620         | Utility issue fee (or reissue)  |          |
| 143  | 440         | 243         | 220         | Design issue fee  |          |
| 144  | 600         | 244         | 300         | Plant issue fee   |          |
| 122  | 130         | 122         | 130         | Petitions to the Commissioner   |          |
| 123  | 50          | 123         | 50          | Processing fee under 37 CFR § 1.17(q)   |          |
| 126  | 180         | 126         | 180         | Submission of Information Disclosure<br>Statement                             |          |
| 581  | 40          | 581         | 40          | Recording each patent assignment per property<br>(times number of properties) |          |
| 146  | 710         | 246         | 355         | Filing a submission after final rejection<br>(37 CFR § 1.129(a))              |          |
| 149  | 710         | 249         | 355         | For each additional invention to be examined<br>(37 CFR § 1.129(b))           |          |
| 179  | 710         | 279         | 355         | Request for Continued Examination (RCE)                                       |          |
| 169  | 900         | 169         | 900         | Request for expedited examination<br>of a design application                  |          |
| Other fee (specify) <u>Terminal Disclaimer</u> |             |             |             |   | 110.00   |

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

\$1,350.00

## SUBMITTED BY

|                   |                    |                                      |       |           |                |
|-------------------|--------------------|--------------------------------------|-------|-----------|----------------|
| Name (Print/Type) | Michael I. Stewart | Registration No.<br>(Attorney/Agent) | 24973 | Telephone | (416) 595-1155 |
| Signature         |                    |                                      |       | Date      | August 6, 2001 |

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Sonia E. Sanhueza et al.  
Appl'n. No. : 08/286,189  
Filed : August 5, 1994  
Title : INACTIVATED RESPIRATORY SYNCYTIAL VIRAL VACCINES  
Grp./A.U. : 1641  
Examiner : J. Parkin  
Docket No. : 1038-384 MIS:jb

August 6, 2001

**BY COURIER**

The Commissioner of Patents  
and Trademarks,  
Box DAC  
Washington, D.C. 20231,  
U.S.A.

**RECEIVED**

AUG 14 2001

OFFICE OF PETITIONS

**PETITION UNDER 35 USC 1.137 (b) FOR  
REVIVE AN UNINTENTIONALLY ABANDONED APPLICATION**

Sir:

This communication is being submitted in response to the Decision on Petition dated June 11, 2001. Reconsideration of the denial of the Petition to revive under 37 CFR 1.137(a) filed March 7, 2001 is requested.

The Petition was denied on the basis that:

- (1) There was no showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable.
- (2) A terminal disclaimer pursuant to 37 CFR 1.137(c) was not filed.
- (3) It is hereby stated, under the signature of the undersigned, that the abandonment was unintentional and that the entire delay in filing the required reply from the due date for the reply until the filing of this Petition was unintentional.

In the Decision, it is indicated that no corroborative documentary evidence was submitted to support the facts outlined in the Petition of March 7, 2001 and that the Petition did not indicate when the abandonment came to the applicants attention.

With respect to the need for a Terminal Disclaimer, this document is enclosed, along with the prescribed fee. Since it is not known the period of abandonment, such period depending on the timing of revival of this application, the terminal disclaimer has been left blank for completion by the Office.

The factual situation concerning the abandonment of this application is set forth in the Petition under 37 CFR 1.137(a) filed March 7, 2001. Under the circumstances and having regard to this Petition, it is submitted that this application should be revived.

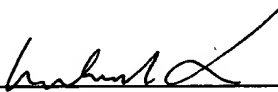
It is noted that the extension of time fee is being refunded.

With respect to the address of record, the correct address is as follows:

330 University Avenue  
6<sup>th</sup> Floor,  
Toronto, Ontario  
Canada, M5G 1R7.

When we moved from Suite 701 to the 6<sup>th</sup> Floor of 330 University Avenue in 1998; the office was advised of this change and was requested to correct its records globally. Unfortunately, there exist a number of files, including this one, where the old address is still showing the PTO records.

Respectfully submitted,

  
\_\_\_\_\_  
M.I. Stewart  
Reg. No. 24,973

Toronto, Ontario, Canada,  
(416) 595-1155  
FAX No. (416) 595-1163

**CERTIFICATE UNDER 37 CFR 3.73**

Applicant: Sonia E. Sanhuesa et al

Application No: 08/286,189

Filed: August 5, 1994

Entitled: INACTIVATED RESPIRATORY SYNCYTIAL VIRAL VACCINES



Connaught Laboratories Limited, a Corporation  
(Name of Assignee) (Corporation, Partnership, University, etc.)

certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A.☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 7150, Frame 0232, or for which a copy thereof is attached.

OR

B.☐ A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:

1. From: To:  
The document was recorded in the Patent and Trademark Office at  
Reel , Frame , or for which a copy thereof is attached.

2. From: To:  
The document was recorded in the Patent and Trademark Office at  
Reel , Frame , or for which a copy thereof is attached.

**RECEIVED**

AUG 14 2001

OFFICE OF PETITIONS

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

August 6, 2001

Date

Michael I. Stewart

Signature

Michael I. Stewart

Typed or printed name

Agent of Record

Title